

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
12M-5048-JGD

UNITED STATES OF AMERICA

v.

KIPP GIBBS

AMENDED ORDER PURSUANT TO 18 U.S.C. § 4241(b)

February 29, 2012

DEIN, M.J.

This matter is before the court on the government's Motion for Hearing to Determine the Mental Competency of the Defendant (Docket No. 3), brought pursuant to 18 U.S.C. § 4241(a). After hearing, this court finds that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Therefore, it is hereby ORDERED, pursuant to 18 U.S.C. §§ 4241(a) and (b), that a hearing be held to determine the mental competency of the defendant, and that a psychiatric examination of the defendant be conducted in accordance with the provisions of 18 U.S.C. §§ 4241(b), and 4247(b) and (c).

Pursuant to 18 U.S.C. § 4247(b), the defendant shall be transported and committed to the custody of the Attorney General for placement in a suitable facility designated to perform the evaluation. The examination shall be conducted at FMC Devens, Devens, Massachusetts, where a licensed psychiatrist or licensed psychologist

shall conduct the examination.

Pursuant to 18 U.S.C. § 4247(c), FMC Devens is Ordered to prepare a psychiatric report. The original of the report shall be filed with the court, with copies to counsel for the defendant and the attorney of the government. The report shall include:

- (1) the defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological and medical tests that were employed and their results;
- (3) the examiner's findings; and
- (4) the examiner's opinions as to diagnosis and prognosis, including whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings or to assist properly in his defense.

Pursuant to 18 U.S.C. § 4247(b), the defendant shall be committed to the custody of the Attorney General for the purpose of such examination for a reasonable period of time not to exceed thirty (30) days, unless otherwise ordered by the court. The defendant shall be returned to the custody of the United States Marshal at the completion of the evaluation ordered hereby.

A hearing pursuant to 18 U.S.C. § 4247(d) will be scheduled upon receipt of the report. The court will address the issue of pretrial detention at that hearing as well.

The United States Attorney shall pay all expenses incurred in connection with the above-ordered examination.

/ s / Judith Gail Dein

Judith Gail Dein
United States Magistrate Judge